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# **Domestic Security Committee**

**Wednesday, February 22, 2006  
1:00 PM  
12 House Office Building**

**Rep. Sandy Adams  
Chair**

# **Committee Meeting Notice**

## **HOUSE OF REPRESENTATIVES**

**Speaker Allan G. Bense**

### **Domestic Security Committee**

**Start Date and Time:** Wednesday, February 22, 2006 01:00 pm

**End Date and Time:** Wednesday, February 22, 2006 04:00 pm

**Location:** 12 HOB

**Duration:** 3.00 hrs

Workshop on the following issues:

Seaport Security and Access Control/Credentialing  
Disaster Preparedness Response and Recovery  
Succession to the Office of Governor

**NOTICE FINALIZED on 02/10/2006 09:28 by LOVE.JOHN**



Section 1. Section 14.055, Florida Statutes, is amended to read:

14.055 Succession to office of Governor.--Upon vacancy in the office of Governor, the Lieutenant Governor shall become Governor. Upon vacancy in the office of Lieutenant Governor, the Governor shall appoint a successor who shall serve for the remainder of the term, provided that if after the ~~such~~ appointment a vacancy occurs ~~shall occur~~ in the office of Governor with more than 28 months remaining in the term, ~~then~~ at the next statewide general election the electors shall choose a Governor and Lieutenant Governor to fill the remainder of the term in the manner provided in s. 5, Art. IV of the State Constitution. Upon vacancy in the office of Governor and in the office of Lieutenant Governor, ~~the Secretary of State shall become Governor; or if the office of Secretary of State be vacant, then the Attorney General shall become Governor; or if the office of Attorney General is be vacant, then the Comptroller shall become Governor; or if the office of Comptroller be vacant, then the~~ Chief Financial Officer ~~Treasurer~~ shall become Governor; or if the office of Chief Financial Officer ~~is Treasurer be~~ vacant, ~~then the Commissioner of Education shall become Governor; or if the office of Commissioner of Education be vacant, then the~~ Commissioner of Agriculture shall become Governor. Except as otherwise provided in this section with respect to an appointed successor to the office of Lieutenant Governor, a successor under this section shall serve for the remainder of the term and shall receive all the rights, privileges, and emoluments of the Governor. In case a vacancy occurs ~~shall occur~~ in the office of Governor and provision is not made in this section ~~herein~~ for filling the ~~such~~ vacancy, ~~then~~ the Speaker of the House of Representatives and the President of the Senate shall convene the Legislature by joint proclamation within 15 days for the purpose of choosing a person to serve as Governor for the remainder of

the term. A successor shall be elected by a majority vote in a joint session of both houses.

Section 2. This act shall take effect upon becoming a law.

DRAFT



Section 1. Section 311.111, Florida Statutes is created to read:

311.111 Security area designations; access requirements, authority.-- Each seaport authority or governing board of a seaport identified in s. 311.09 which is subject to the statewide minimum seaport security standards in s. 311.12, shall designate and clearly mark on the seaport premises and in the seaport security plans, the following security area designations, access requirements and corresponding security enforcement authorizations including, but not limited to, the prohibition of concealed weapons and other contraband material:

(1) Unrestricted, public access areas, open to the general public without a seaport identification card other than that required as a condition of employment by a seaport director.

(2) Restricted public access areas, open to the public for a specific purpose via restricted access, and open to seaport employees or guests who have business with the seaport. Any person found in these areas without the proper level identification card will be subject to the trespass provisions of sections 810.08, 810.09, and this chapter. All persons and objects in these areas are subject to search by an on duty Class D seaport officer certified under Maritime Transportation Security Act guidelines or an employee of the seaport security force certified under the Maritime Transportation Security Act guidelines.

(3) Restricted access areas, open only to seaport employees or guests who have business with the seaport. Any person found in these areas without the proper level identification card will be subject to the trespass provisions of sections 810.08, 810.09, and this chapter. All persons and objects in these areas are subject to search by an on duty Class D seaport officer certified under Maritime Transportation Security Act guidelines or an employee of the seaport security force certified under the Maritime Transportation Security Act guidelines.

(4) Secured, restricted access areas, open only to seaport employees or guests who have business with the seaport, that are secured at each point of access by a Maritime Transportation Security Act certified Class D security guard, a state sworn law enforcement officer, or a Maritime Transportation Security Act certified employee of the port's security force at all times. Any person found in these areas without the proper

level identification card will be subject to the trespass provisions of sections 810.08, 810.09, and this chapter. All persons and objects in these areas are subject to search by an on duty Class D seaport officer certified under Maritime Transportation Security Act guidelines or an employee of the seaport security force certified under the Maritime Transportation Security Act guidelines.

(5) During a high terrorist threat level period designated by the United States Department of Homeland Security or the Florida Department of Law Enforcement, or during an emergency declared by the seaport security director of a port due to events applicable to that particular port, the management or controlling authority of the port may temporarily designate any part of the port property as a restricted access area. The duration of such designation is limited to the period when the high terrorist threat level or port emergency exists. This subsection does not limit the power of the managing or controlling authority of a seaport to designate any port property as a restricted access area as otherwise provided by law.

Section 2. Subsection (2) of section 311.12, Florida Statutes, is amended and subsection (7) is created to read:

311.12 Seaport security standards; inspections; compliance; appeals.—

(2)(a) Each seaport identified in s. 311.09 shall maintain a security plan to provide for a secure seaport infrastructure specific to his or her seaport. Commencing January 1, 2007, and every four years thereafter, the Seaport Director of each seaport with the assistance of the Regional Domestic Security Task Force and in conjunction with the United States Coast Guard, will revise this security plan based on the results of continual, quarterly assessments by the seaport director of security risks and possible risks related to terrorist activities relating to the specific and identifiable needs of the seaport which assures that the seaport is in substantial compliance with the statewide minimum standards established pursuant to subsection (1).

(b) Each plan adopted or revised pursuant to this subsection shall be inspected must be reviewed and approved by the Office of Drug Control and the Department of Law Enforcement based upon the standards as set under the Maritime Transportation Security Act as revised July 2003 Title 33, Part 105, section 105.305. All such seaports



shall allow unimpeded access by the Department of Law Enforcement to the affected facilities for purposes of plan or compliance inspections or other operations authorized by this section.

(c) Each seaport security plan shall ~~may~~ establish unrestricted and restricted access areas within the seaport consistent with the requirements of the statewide minimum standards and the provisions of s.311.111. In such cases, a Uniform Port Access Credential Card, authorizing restricted-area access, shall be required for any individual working within or authorized to regularly enter a restricted access area and the requirements in subsection (3) relating to criminal history checks and employment restrictions shall be applicable only to employees or other persons working within or authorized to regularly enter a restricted access area. Every seaport security plan shall set forth the conditions and restrictions to be imposed upon others visiting the port or any restricted access area sufficient to provide substantial compliance with the statewide minimum standards. As determined by the seaport's most current quarterly risk assessment report, any restricted area with a potential human occupancy of 50 persons or more, cruise terminal or business operation that is adjacent to an unrestricted public access area shall be protected from the most probable and creditable terrorist threat to human life by the use of distance separation or physical counter-terrorism devices.

(d) Within 30 days after the completion of the seaport's security plan inspection by the Florida Department of Law Enforcement, it shall be delivered to the United States Coast Guard, Regional Domestic Security Task Force and the Domestic Security Oversight Council.

(e)1. It is the intent of the Legislature that Florida's seaports adhere to security practices that are consistent with risks assigned to each seaport through the risk assessment process established in this section, therefore, the Florida Department of Law Enforcement shall inspect every seaport within the state to determine if all security measures adopted by the seaport are in compliance with the standards set forth in this chapter and shall submit the department's findings in a report within 30 day of the inspection to the Domestic Security Oversight Council for review and the United States Coast Guard for review with a request to the Coast Guard for any necessary punitive action.

2. [Notwithstanding the provisions of chapter 120] A seaport may appeal the findings relating to s. 311.12 in any Florida Department of Law Enforcement inspection report to the Domestic Security Oversight Council for review and mediation. The Domestic Security Oversight Council will establish a review process and may only review those findings under s. 311.12 that are in specific dispute by the seaport. In reviewing the disputed findings, the council may concur with the department, concur with the report, or recommend corrective action to the seaport. Findings of the council are considered final.

(7) It shall be a misdemeanor of the first degree punishable under s. 790.25 for any person other than active duty certified federal and state law enforcement personnel to have in their possession or in a vehicle in their possession, a concealed weapon, while on seaport property in a designated restricted area.

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Section 3. Section 311.121, Florida Statutes, is created to read:

311.121 Qualifications, training, and certification of licensed security officers at Florida seaports.—

(1) It is the intent of the Legislature that seaports in this state be able to mitigate operational security costs without reducing security levels, by employing a combination of certified law enforcement officers and certified private security service officers. The Florida Department of Law Enforcement shall [adhere to] [recognize] this intent in the approval and certification process for seaport security required under s. 311.12.

(2) The authority or governing board of each seaport identified under s. 311.098 which is subject to the statewide minimum seaport security standards established in s. 311.12, shall require that a candidate for certification as a seaport security officer:

(a) Have received a Class D license as a security officer under chapter 493;

(b) Have successfully completed the certified training curriculum for a Class D license or have been determined to have the equivalent experience, established by rule, by the Department of Agriculture and Consumer Services; and

(c) Have completed the training or training equivalency and testing process established by this section for becoming a certified seaport security officer.

(3)(a) The Seaport Security Officer Qualification, Training and Standards Coordinating Council is hereby created under the Florida Department of Law Enforcement.

(b) The Commissioner of the Florida Department of Law Enforcement will appoint 12 members to the council which shall include the Seaport Administrator of the Department of Law Enforcement, the Chancellor of the Community College System, the Director of the Division of Licensing of the Department of Agriculture and Consumer Services, the Administrator of the Florida Seaport Transportation and Economic Development Council, two seaport security directors from seaports designated under s. 311.09, one director of a state law enforcement academy, one representative of a local law enforcement agency, two representatives of contract security services, one representative of the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles, and one representative of the United States Coast Guard.

(c) Members holding specified positions shall serve for the duration of their employment or appointment.

(d) Other representative members shall serve 4 year terms, except the initial appointment for the representative of a local law enforcement agency, one representative of a contract security agency, and one seaport security director from a seaport designated in s. 311.09, will be 2 years.

(e) Council members shall serve without pay; however, state per diem and travel allowances may be claimed for attendance at officially called meetings as provided by s. 112.061.

(f) The council shall identify the qualifications, training and standards regarding seaport security officer certification and recommend a curriculum for the seaport security officer training program which includes no less than 218 hours of initial certification training, and which conforms to or exceeds model courses approved by the Federal Maritime Act under Section 109 of the Federal Maritime Transportation Security Act of 2002 for facility personnel with specific security duties.

(g) The council may recommend training equivalencies that may be substituted for portions of the required training.

(h) The council shall recommend a continuing education curriculum of no less than 8 hours of additional training per each annual licensing period.

(i) The Chancellor of the Community College System shall serve as chair of the council.

(j) The council shall meet upon the call of the chair, and at least once a year to update or modify curriculum recommendations.

(4)(a) The Department of Education shall develop the curriculum recommendations and hourly specifications of the Seaport Security Officer Qualifications, Training, and Standards Coordinating Council into initial and continuing education and training programs for seaport security officer certification.

(b) Such training programs shall be used by schools licensed under s. 493.6304, and each instructor providing training must hold a Class D license pursuant to s. 493.6301.

(c) A seaport authority or other organization involved in seaport-related activities may apply to become a school licensed under s. 493.6304.

(d) The training programs shall include proficiency examinations to be administered and passed by each certification candidate who successfully completes the required hours of training or provides proof of authorized training equivalencies.

(e) A certification candidate must be provided with the list of authorized training equivalencies in advance of training, however, the candidate must successfully complete 20 hours of study specific to Florida Maritime Security and pass the related portion of the proficiency exam.

(5) Seaport security officer certificates shall be provided by the Department of Agriculture and Consumer Services for issuance by a school licensed under s. 493.6304 and such school may issue the certificate to an applicant who has successfully completed the training program. A school shall notify the Division of Licensing within the department upon the issuance of each certificate. The notification must include the name and Class D license number of the certificate holder and a copy of the certificate. The department shall place the notification with the licensee's file. Notification may be made

through an electronic or paper format pursuant to instruction of the Department of Agriculture and Consumer Services.

(6)(a) Upon completion of the certification process, a person holding a Class D license must apply for a revised license pursuant to s. 493.6107(2), which license shall state that the licensee is certified as a seaport security officer.

(b) A person who has been issued a seaport security officer certificate is authorized to perform duties specifically required of a seaport security officer.

(c) The certificate is valid for the duration of the seaport security officer's Class D license and shall be renewed upon renewal of that license.

(d) The certificate will become void if the seaport security officer's Class D license is revoked or allowed to lapse for more than 1 year, or if the certificate holder licensee fails to complete the annual continuing education requirement prior to expiration of the Class D license.

(e) Renewal of certification following licensure revocation or a lapse of longer than 1 year requires, at a minimum, 20 hours of recertification training and reexamination of the applicant.

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Section 4. Section 311.122, Florida Statutes is created to read:

311.122 Seaport Security Forces; authorization; requirements; powers; training.--

(1)(a) Each seaport in the state is authorized to create a seaport security force for its facility, which authority in no way removes the ability of the seaport to contract with local governments or law enforcement agencies to comply with the security standards required by this chapter.

(b) Each seaport security force shall meet all of the standards set by the state under certified law enforcement guidelines and requirements and be certified as a state law enforcement agency by the Florida Department of Law Enforcement.

(c) Regardless of origin, a minimum of thirty percent of each seaport security force shall be state law enforcement officers with additional Maritime Transportation Security Act seaport training; a minimum of thirty percent of on-duty personnel shall be state law enforcement officers with additional Maritime Transportation Security Act seaport training; and at least one on-duty supervisor must be a certified state law enforcement officer with additional Maritime Transportation Security Act seaport training.

(d) For the purposes of this chapter where applicable seaport security force officers shall have the same powers as university police officers as provided in s. 1012.97; however, such powers do not extend off seaport property except in connection with an investigation initiated on seaport property or in connection to an immediate, eminent threat to the seaport.

(e) For the purposes of this chapter, state certified seaport security officers shall have the same traffic law enforcement powers as university, community college and airport police officers have under the provisions of s. 316.640(1)(b), (c) and (d) with respect to seaport property.

(f) Certified seaport security officers shall also have the authority to immediately tow any vehicle parked illegally as designated by pre-posted signs or during an emergency as deemed necessary to maintain seaport security.

Section 5. Section 311.123, Florida Statutes is created to read:

311.123 Maritime domain security awareness training program.—

(1) The Florida Seaport Transportation and Economic Development Council, in conjunction with the Florida Department of Law Enforcement and the Office of Drug Control within the Executive Office of the Governor, shall create a maritime domain security awareness training program to instruct all personnel employed within a seaport's boundaries about the security procedures required of them for implementation of the seaport security plan.

(2) The training program curriculum must include security training required pursuant to 33 C.F.R. Part 105 and must be designed to enable the seaports in this state to

meet the training, drill, and exercise requirements of 33 C.F.R. Part 105 and individual seaport security plans, and to comply with the requirements of s. 311.12 relating to security awareness.

Section 6. Section 311.124, Florida Statutes, is created to read:

311.124 Trespassing; detention by a certified seaport security officer.—

(1) Any Class D or G seaport security officer certified under the Maritime Transportation Security Act guidelines or any employee of the seaport security force certified under the Maritime Transportation Security Act guidelines, who has probable cause to believe that a person is trespassing pursuant to the provisions of sections 810.08, 810.09, and this chapter, in a designated restricted area pursuant to s. 311.06 [shall] [is authorized to] detain such person in a reasonable manner for a reasonable time pending the arrival of a law enforcement officer, and such action shall not render the security officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(2) Upon detaining a person for trespass, the security officer shall immediately call a certified law enforcement officer to the scene.

Section 7. Section 817.021, Florida Statutes is created to read:

817.021 It shall be a felony of the third degree punishable under s. 775.082 and s. 775.083, to willfully and knowingly provide false information in an attempt to or in obtaining a seaport security identification card.





Section 1. Section 252.63, Florida Statutes, is created to read:

252.63 Florida Disaster Supplier Program.--

(1) SHORT TITLE.--This section may be cited as the "Florida Disaster Supplier Program Act."

(2) FLORIDA DISASTER SUPPLIER PROGRAM.--The Florida Disaster Supplier Program is created within the division for the purpose of providing statewide oversight of the availability and provision of necessary supplies prior to, during, and following a state of emergency or natural or manmade disaster or catastrophe. The Department of Community Affairs shall provide administrative support and oversight for the program. Participation in the program shall be at the option of each county governing body within the state. Each county choosing to participate in the program shall be primarily responsible for administering the program within that county.

(3) FLORIDA DISASTER SUPPLIER PROGRAM COUNCIL.--

(a) There is created the Florida Disaster Supplier Program Council. The council shall consist of 7 members which is composed of the county emergency operations directors nominated by each Regional Domestic Task Force and approved by the Domestic Security Oversight Council. The council shall be charged with the responsibility of establishing the Florida Disaster Supplier Program.

(b) The members of the council shall elect a chair and a vice chair from among their membership. The chair shall preside at all meetings of the council.

(c) The council shall meet at the call of the chair or at the request of a majority of its membership.

(d) Members shall serve for the duration of the existence of the council. A vacancy on the council shall be filled by the chair until the council is terminated.

(e) Members of the council shall serve without compensation but shall be entitled to per diem and travel expenses as provided in s. 112.061 while engaged in the performance of their duties.

(4) DUTIES AND RESPONSIBILITIES.--Duties and responsibilities of the council shall include, but not be limited to, recommending to the division:

(a) State disaster preparedness criteria necessary to the implementation of the program.

(b) Providing in the program that participating business are granted access to means of

operating, re supplying and staffing of their business units in times of emergency when and where feasible under the emergency existing conditions.

(c) A statewide system of certification for disaster suppliers in the following categories:

1. Medicine.

2. Food and water.

3. Building Supplies

4. Ice.

5. Other suppliers as may be necessary.

(d) The assessment of an annual license fee for businesses seeking to obtain certification as a state disaster supplier under the program and guidelines for such license fees.

(e) A uniform state logo that bears the name of the State and the type of supplies being provided by the business participating in the program.

(5) Business Certification. Upon the recommendations of the council, certification of business requesting to participate in the program will be conducted through County Emergency Managers or designees as set forth by the County's elected governing body. Participating Counties shall use the certification standards as developed through the Florida Disaster Supplier Program Council and established by the Department of Community Affairs.

(6) Collection of License Fees. Participating Counties shall collect all licensing fees and distribute the funds as required in Section (7) of this statute. Licensing fees shall not exceed \$50,000 per business unit annually. All fees collected are to be used to recover the cost of the program and provide funds for local governments use in disaster preparedness, response and recovery.

(7) USE OF LICENSE FEES.--License fees recommended by the council must be apportioned with 90 percent of the license fees to be used by the participating counties for emergency disaster preparedness with 20 percent of those funds being dedicated to disaster preparedness educational programs, 5 percent of the total county license fees to the Department of Community Affairs for administrative cost, and 5 percent of the total county license fees to be deposited in the State Treasury into the General Revenue Fund.

(8) REPORT.--The Council shall submit a report on the development and implementation of the program to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than July 1, 2009. The report shall include

recommendations for any needed legislation with respect to the provision of supplies within the state during a state of emergency or natural or manmade disaster or catastrophe.

(9) TERMINATION.--The Council shall terminate on July 1, 2008.

Section 2. Section 526.143, Florida Statutes, is created to read:

526.143 Alternate generated power capacity for motor fuel dispensing facilities.--

(1) No later than December 31, 2007, each motor fuel terminal facility, as defined in s. 526.303, and wholesaler, as defined in s. 526.303, which sells motor fuel in this state must be capable of operating its distribution loading racks using an alternate generated power source for a minimum of 72 hours. Pending a post disaster examination of the equipment to determine any extenuating damage that would render it unsafe to use, the facility must have such alternate generated power source available for operation no later than 24 hours after a major disaster as defined in s. 252.34. Initial inspection for proper installation and operation shall be completed by a local building inspector, and verification of the inspection must be submitted to the local county emergency management director. Inspectors from the Department of Agriculture and Consumer Services shall check to assure that the equipment is available and in good operating order during regular inspections of the terminal operations.

(2) Each newly constructed or substantially renovated motor fuel retail outlet, as defined in s. 526.303, for which a certificate of occupancy is issued on or after July 1, 2006, shall be pre-wired with an appropriate transfer switch, and capable of operating all fuel pumps, dispensing equipment, life-safety systems, and payment acceptance equipment using an alternate generated power source. As used in this subsection, the term "substantially renovated" means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet. Local building inspectors shall include this equipment and operations check in the normal inspection process before issuing a certificate of occupancy. A copy of the certificate of occupancy shall be provided to the local county emergency management director upon issuance of such certificate. Inspectors from the Department of Agriculture and Consumer Services shall check to assure that the equipment is available and in good operating order during regular inspections of the retail establishment.

(3) No later than December 31, 2007, all motor fuel retail outlets having 16 or more fueling positions that are within one-half mile proximate to an interstate highway or a state or federally designated evacuation route shall be pre-wired with an appropriate transfer switch and

capable of operating all fuel pumps, dispensing equipment, life-safety systems, and payment acceptance equipment using an alternate generated power source. Initial inspection for proper installation and operation shall be completed by a local building inspector, and verification of the inspection must be submitted to the local county emergency management director. Inspectors from the Department of Agriculture and Consumer Services shall check to assure that the equipment is available and in good operating order during regular inspections of the retail establishment.

(4)(a) Subsections (2) and (3) apply to any self-service or full-service motor fuel retail outlet regardless of whether the business is located on the grounds of, or is owned by, another retail business establishment that does not engage in the business of selling motor fuel.

(b) Subsections (2) and (3) do not apply to:

1. An automobile dealer;
2. A person who operates a fleet of motor vehicles; or
3. A person who sells motor fuel exclusively to a fleet of motor vehicles.

### Section 3. Florida Disaster Motor Fuel Supplier Program.--

(1) There is created the "Florida Disaster Motor Fuel Supplier Program" within the Department of Community Affairs. The Florida Disaster Motor Fuel Supplier Program will allow any motor fuel retail outlet doing business in the state to participate in a network of emergency responders to provide fuel supplies and services to government, medical, critical infrastructure, and other responders, as well as the general public, in a declared disaster, as described in s. 252.36(2), Florida Statutes. Participation in the program will require pre-certification of preparedness to provide emergency services by Division of Emergency Management or the local county emergency management director. Requirements for pre-certification shall be established by the Division of Emergency Management or the local county emergency management director no later than July 1, 2006. Businesses that are pre-certified will be issued a State Emergency Response Team logo decal for public display to alert responders and the public that the business is capable of assisting in an emergency. In counties with active programs, the local county emergency management department shall be primarily responsible for administering the program within that county. In counties that do not have active programs, the Division of Emergency Management shall have the authority to pre-certify businesses as members of the State Emergency Response Team and issue appropriate signage.

(2) At a minimum, businesses that are pre-certified as State Emergency Response Team members must have the on-site capability to provide fuel dispensing services to other State Emergency Response Team members within 24 hours after a major disaster has occurred, or demonstrate the ability to have such service available, and agree to make service available as needed. Businesses may choose to sell fuel through preexisting contract with local, state, and federal response agencies or may provide point-of-sale service to such agencies. In addition, businesses may choose to sell to the general public, or may be directed to provide such service by county or state emergency management officers pursuant to s. 252.35, Florida Statutes. If requested, appropriate law enforcement security may be provided to the participating business for the purpose of maintaining civil order during operating hours.

(3) Persons who are designated as members of the State Emergency Response Team and who can produce appropriate identification, as determined by state or county emergency management officials, will be given priority for fuel purchase at businesses designated as State Emergency Response Team members. Businesses may be directed by county or state emergency management officials to remain open for some period during declared curfew to provide service for emergency personnel. Under such direction, the business shall not be in violation of the curfew and shall not be penalized for such operation, nor shall the emergency personnel be in violation of such curfew. Persons traveling during periods of curfew shall be required to produce valid official documentation of their State Emergency Response Team or local emergency response position. Such documentation may include, but is not limited to, current State Emergency Response Team identification badge, current law enforcement or other response agency identification or shield, current health care employee identification card, or current government services identification card indicating a critical services position.

(4) Businesses that are designated as State Emergency Response Team members may request priority re-supply fueling in order to continue service to emergency responders. Such request is not binding, but shall be considered by emergency managers in determining appropriate response protocol.

(5) Motor fuel retail outlets that choose to participate in the Florida Disaster Motor Fuel Supplier program may receive a state tax credit of up to 25 percent of the value of a purchase of equipment and installation required to meet certification requirements established by the Division of Emergency Management's local county emergency management director. The total

tax credit for an individual certified location may not exceed \$15,000. The Florida Department of Revenue is authorized to issue the tax credit with prior approval with the facility's payment of taxes on motor fuel sales or corporate taxes to be predetermined by both the department and the facility owner.

Section 4. Regulation of alternate power sources at motor fuel outlets and other facilities preempted to the state.--Notwithstanding any other law or local ordinance, and to ensure an appropriate emergency management response to major disasters in the state, the regulation, requirements for siting, and placement of alternate power source capabilities and equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets are preempted to the state.

Section 5. Review of Florida disaster motor fuel supply distribution.--The Department of Environmental Protection Energy Office shall review situational progress in post disaster motor fuel supply distribution and provide a report to the Legislature by March 1, 2007. The report shall include information on statewide compliance with s. 526.143, Florida Statutes, and identification of all motor fuel retail outlets that are participating in the Florida Disaster Motor Fuel Supplier Program.

Section 6. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 7. Section 399.036, Florida Statutes, is created to read:

399.036 Alternate generated power source for residential multifamily dwellings.--

(1) Any person, firm, or corporation that owns or operates a residential multifamily dwelling, including a condominium, which is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3), must have at least one public elevator that is capable of operating on an alternate generated power source for the purpose of allowing all residents access for a number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate generated power source must be capable of powering any connected fire alarm system in the building which controls elevator operations.

(2) At a minimum, the elevator must be appropriately pre-wired and prepared to accept such alternate generated power and must have a connection on the line side of the main

disconnect, pursuant to National Electric Code Handbook, Article 700. In addition to the required power source for the elevator and connected fire alarm system in the building, the alternate power supply must be sufficient to provide emergency lighting to the lobbies, hallways, and other portions of the building used by the public. Residential multifamily dwellings must have an available generator and fuel source on the property or have proof of a current guaranteed service contract for such equipment and fuel source to operate the elevator on-call within 24 hours after a request. Local building inspectors must provide verification of engineering plans for alternate generated power capability for such buildings to the emergency management director of the county by December 31, 2006. Verification of installation and operational capability must be made by local building inspectors to the emergency management director of the county by December 31, 2007.

(3) Each newly constructed residential multifamily dwelling, as defined in this section, which has an operating elevator must have at least one public elevator that is capable of operating on an alternate generated power source for the purpose of allowing all residents access for a number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate generated power source must be capable of powering any connected fire alarm system in the building which controls elevator operations. In addition to the required power source for the elevator and connected fire alarm system in the building, the alternate power supply must be sufficient to provide emergency lighting to the lobbies, hallways, and other portions of the building used by the public. Engineering plans and verification of operational capability must be provided by the local building inspector to the emergency management director of the local county before occupancy of the newly constructed building.

(4) Each person, firm, or corporation that is required to maintain alternate generated power under this section shall maintain a written emergency operations plan that details the sequence of operations before, during, and after a natural or manmade disaster or other emergency situation. The plan must include, at a minimum, a life-safety plan for evacuation, maintenance of the electrical and lighting supply, and provision for the health, safety, and welfare of the residents. In addition, the owner or operator of the residential multifamily dwelling must keep a log containing a list of quarterly inspections to keep life-safety and alternate power generation equipment in good and working condition and any contracts for

alternate power generation equipment. The written emergency operations plan and log shall be open for periodic inspections by local and state government agencies as deemed necessary. The owner or operator must keep a generator key in a lockbox posted at or near any installed generator unit.

(5) As a part of the annual elevator inspection required in s. 399.061, certified inspectors shall confirm that all installed generators required by this chapter are in working order, that the logs are current, and that the required generator key is present in the lockbox posted at or near the installed generator. If a building does not have an installed generator, the inspector shall confirm that the appropriate pre-wiring and switching capabilities are operational and that a contract for contingent services for alternate generated power is current for the operating period.

Section 8. Section 252.35(8)(i), Florida Statute, is amended to read:

(i) Institute statewide public awareness programs. This shall include an intensive public educational campaign on emergency preparedness issues including but limited to personal responsibility of individual citizens to be self sufficient for up to 72 hours following a nature or manmade disaster, care of special needs persons in a disaster environment, relevant information on Statewide disaster plans, evacuation routes, fuels suppliers and sheltering information.

Section 9. This act shall take effect July 1, 2006.